



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

May 3, 2021

INFORMATION REQUEST LETTER
URGENT LEGAL MATTER - PROMPT REPLY REQUESTED
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Shelly Ranburger, Jr.
7520 Boteler Road
Philpot, Kentucky 43366

Re: Request for Information for the Livermore Industrial Plating Superfund Site (the Site) in Livermore, McLean County, Kentucky

Dear Mr. Ranburger Jr:

The purpose of this letter is to request that you respond to the enclosed Information Request concerning the Livermore Industrial Plating Superfund Site (the Site) located at 407 East 7th Street Livermore, McLean County, Kentucky. The U.S. Environmental Protection Agency is currently investigating the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the above-referenced Site. This investigation requires inquiry into the identification, nature, and quantity of materials generated, treated, stored, or disposed of at, or transported to, the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e), you are hereby requested to respond to the Information Request attached hereto as **Enclosure A**. Instructions on how to respond to the questions, the definitions that apply to the words appearing in the questions, and the questions are included in **Enclosure A**.

While the EPA seeks your cooperation in this investigation, compliance with the Information Request is mandatory. Failure to respond fully and truthfully to the Information Request within **thirty (30) calendar days** of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA. This statute permits the EPA to seek the imposition of penalties of up to fifty-nine thousand seventeen dollars (\$59,017) for each day of continued non-compliance. Please be further advised that the provision of false, fictitious, or fraudulent statements or representations to the Information Request may subject you to criminal penalties under 18 U.S.C. § 1001.

Your response to this Information Request should be e-mailed to me at jones.christophere@epa.gov and mailed to me at the following address:

Christopher Jones
U.S. Environmental Protection Agency Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq.

Due to the legal ramifications, the EPA strongly encourages you to give this matter its immediate attention and to respond to this Information Request within the time specified above. Should the timeframe set forth in the letter prove difficult to meet in light of the COVID-19 situation, please contact the EPA so that we might consider accommodations, as necessary. If you have any questions, please contact me at (404) 562-9016. If you have any legal questions regarding this matter, please contact Yeliann Montanez, Associate Regional Counsel, at (404) 562-9522.

Thank you for your cooperation in this matter.

Sincerely,



Christopher E. Jones
Enforcement Project Manager
Superfund & Emergency Management Division

Enclosure:

A. 104(e) Information Request Instructions, Definitions, Questions

ENCLOSURE A - INFORMATION REQUEST FOR SHELLY RANBURGER JR

LIVERMORE INDUSTRIAL PLATING SITE

Instructions

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the corresponding number of the question and the subpart to which it corresponds.
3. In answering each question, identify all documents and persons that contributed information relating to each question.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the question and the subpart to which it responds.
5. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available, you must supplement your response to the EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA thereof as soon as possible.
6. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F); and 40 C.F.R. Section 2.203(b).

To make a confidentiality claim, please write or type "CONFIDENTIAL" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope, and all materials for which you desire confidential treatment are in another envelope.

If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

7. Personnel, medical files, and similar files in which the disclosure to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

8. Where specific information has not been memorialized in any document, but is nonetheless responsive to a question, you must respond to the question with a written response.
9. If information responsive to this Information Request is not in your possession, custody, or control, then identify the person from whom such information may be obtained.
10. If you have objections to some or all of the questions within the Information Request, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this **Enclosure A**:

1. The term “you” or “Respondent” shall mean, the addressee of this Request, Shelly Ranburger, Jr. the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term “person” shall have the same definition as in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21): an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The term the “Site” shall mean Livermore Industrial Plating Superfund Site, 407 East 7th Street, Livermore, Mclean County, Kentucky.
4. The term “hazardous substance” shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included within this definition.
5. The term “hazardous waste” shall have the same definition as that contained in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).
6. The term “solid waste” shall have the same definition as that contained in Section 1004(27) of RCRA, 42 U.S.C. § 6903(27).
7. The term “materials” shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to, all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.
8. The term “hazardous material” shall mean all hazardous substances, pollutants or contaminants,

and hazardous wastes, as defined above.

9. The term “non-hazardous material” shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.
10. The term “identify” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
11. The term “identify” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
12. The term “identify” means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
13. The term “release” has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
14. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreement and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which it produces, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
15. The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to

bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

16. The term "arrangement" means every separate contract or other agreement between two or more persons.
17. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
18. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300, or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

Information Request Questions

1. Identify the person(s) answering these Questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents.
4. Identify the current owner and/or operator of the Livermore Industrial Plating Superfund Site (the Site) located at 407 7th Street, Livermore, McLean County, Kentucky. State the dates during which the current owner and/or operator owned, operated or leased any portion of the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.
5. Identify all prior owners of the Site. For each prior owner, further identify:
 - a. The dates of ownership;
 - b. All evidence showing that they controlled access to the Site; and,
 - c. All evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Site during the period that they owned the Site.
6. Identify all prior operators, including Livermore Industrial Plating and any lessors, of the Site. For each such operator, further identify:
 - a. The dates of operation;
 - b. The nature of prior operations at the Site;
 - c. All evidence that they controlled access to the Site; and,

- d. All evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.
7. Provide copies of all insurance policies issued to Livermore Industrial Plating for bodily injury, property damage and/or environmental contamination in connection with the Site and/or business operations. Include, without limitation, all comprehensive general liability, primary, excess, and umbrella policies.
8. Describe your overall connection to the Site including each and every position, formal and/or informal, that you have held with the Site and Livermore Industrial Plating. Your description should include, but not be limited to, the duties and responsibilities of each position; the actual tasks that you performed, both routinely and occasionally, and the dates that you held each position.
9. Describe the nature of your current and past activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.
10. Identify any legal or equitable interest that you now have, or previously had in the Site. Include information regarding the nature of such interest; when, how, and from whom such interest was obtained; and when, how, and to whom such interest was conveyed. In addition, submit copies of all instruments evidencing the acquisition or conveyance of such interest.
11. If you are the current owner and/or current operator, did you acquire or operate the Site or any portion of the Site after the disposal or placement of hazardous substances on, or at the Site? If so, describe the environmental condition of the Site when you took possession of the Site and all of the facts on which you base your answer.
12. Identify all substances which were formulated and/or processed by Livermore Industrial Plating at the Site.
13. Provide an inventory of materials, including quantities and strength of materials, located on or about the Site.
14. Describe the physical characteristics of the Site, including, but not limited to, surface structures (e.g., buildings, tanks, etc.) and subsurface structures (e.g., piping, sumps, etc.). Include features which are operational, nonoperational, and any features that were known to have been removed. Provide any maps, drawings, plans or other documentation which would show the location and function of the current and/or historical physical characteristics of the Site.
15. Provide all reports, information or data related to soil, water (ground and surface), or air quality

and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information.

16. Identify all leaks, spills or releases or threats of releases of any kind into the environment of any hazardous materials that have occurred or may occur at or from the Site including, but not limited to:
 - a. when such releases occurred or may occur;
 - b. how the releases occurred or may occur;
 - c. when hazardous materials were released or may be released;
 - d. what amount of each such hazardous material was so released;
 - e. where such releases occurred or may occur;
 - f. any and all activities undertaken in response to each such release or threatened release;
 - g. any and all investigations of the circumstances, nature, extent, or location of each such release or threatened release including, the results of any soil, water (ground or surface), or air testing that was undertaken;
 - h. all persons with information relating to this Question and its subparts; and,
 - i. provide any and all documentation relating to this Question and its subparts.
17. Describe the acts or omissions of any persons that may have caused a release or threat of release of hazardous substances at the Site and identify such persons. Please refer to the definition of "persons" above, which includes individuals and businesses.
18. Identify all persons who may have knowledge, information, or documents about the release or threat of release of hazardous substances at the Site, and the hazardous substances and materials located on or about the Site.